




COMHAIRLE CONTAE CHILL MhANTÁIN
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

Philip Rice
Robins Nest
Ballygahan Lower
Avoca
Co. Wicklow
Y14 KP93

 Of June 2026


RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX62/2026

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning &
Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under
subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be
prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of
the issuing of the declaration by the Local Authority.

Is mise, le meas,



ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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Suíomh / Website www.wicklow.ie

DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT
2000 AS AMENDED

Applicant: Philip Rice

Location: Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow

Reference Number: EX 62/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/741

A question has arisen as to whether “*the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides*” at Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow is or is not exempted development.

Having regard to:

- a. The details submitted with the Section 5 Declaration Application
- b. Planning Permissions Register Reference PRR 05/4369, PRR 10/ 3024, and PRR 21/362
- c. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d. Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

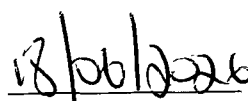
- i. the existing permitted use of the structures and site is as a residential dwelling, private amenity space and builders' storage yard.
- ii. The proposed use as a residential base and campsite facility would be different in character to the existing use and would have differing traffic movements, differing patterns of usage, increased demand on the wastewater treatment system and water supply, and increased noise impacts. The change of use would therefore give rise to materially different planning considerations to the current use of the site.
- iii. As the change of use is materially different to the existing use, it would therefore be development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended) which provides that “development” means, except where the context otherwise requires, the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.
- iv. There are no exemptions provided for such a change of use under the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that “the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides” at Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow is development and IS NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/741

Reference Number: EX 62/2026

Name of Applicant: Philip Rice

Nature of Application: Section 5 Referral as to whether "*the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides*" is or is not development and is or is not exempted development.

Location of Subject Site: Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides*" at Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

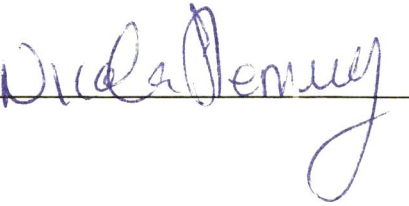
- a. The details submitted with the Section 5 Declaration Application
- b. Planning Permissions Register Reference PRR 05/4369, PRR 10/ 3024, and PRR 21/362
- c. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d. Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. the existing permitted use of the structures and site is as a residential dwelling, private amenity space and builders' storage yard.
- ii. The proposed use as a residential base and campsite facility would be different in character to the existing use and would have differing traffic movements, differing patterns of usage, increased demand on the wastewater treatment system and water supply, and increased noise impacts. The change of use would therefore give rise to materially different planning considerations to the current use of the site.
- iii. As the change of use is materially different to the existing use, it would therefore be development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended) which provides that "development" means, except where the context otherwise requires, the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.
- iv. There are no exemptions provided for such a change of use under the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that “*the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides*” at Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow is development and is not exempted development as recommended in the planning reports.


Signed: 

Date: 18/06/2026

ORDER:

I HEREBY DECLARE:

THAT “*the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides*” at Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow is **development and is not exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

Date: 18/6/2026

T/Senior Planner
Planning, Economic & Rural Development

Section 5 Application : EX 62/2026.

Date : 17/6/2026

Applicant : Phillip Rice

Address : Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow Y14KP93.

Query Whether or not :

The change of use of domestic residence to Retreat House for use by girl guides association of Ireland is or is not exempted development

Relevant Planning History :

PRR 21/362 Change of use (the removal of condition 1 of planning register reference 05/4369) from restricted use as a dwelling to use by all classes of persons

PRR 10/ 3024 Permission granted for storage yard with existing entrance. Retention of storage of prefab site office and steel containers. Permission for erection of 1.8m high timber hit and miss fencing to South and West boundaries and site ancillary works

PRR 05/4369 Permission granted for bungalow, garage and effluent treatment system.

Planning and Development Act 2000 (as amended)

Section 2 : (1) In this Act, except where the context otherwise requires—

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate,

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires,

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Section 4

(1): The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

Planning and Development Regulations 2001(as amended)

Article 10

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(2)

(a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

(b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—

(i) as an amusement arcade,

(ii) as a motor service station,

(iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,

(iv) for a taxi or hackney business or for the hire of motor vehicles,

(v) as a scrap yard, or a yard for the breaking of motor vehicles,

(vi) for the storage or distribution of minerals,

(vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,

(viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or

(ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.

(4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

Schedule 2 :Part 1

Class 14

Development consisting of a change of use—

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Limitation : The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Schedule 2 : Part 3 :

CLASS 1

Temporary use of any land for the placing of any tent, campervan or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping.

Limitations

1. Not more than one tent, campervan or caravan shall be placed within 100 metres of another tent, campervan or caravan at any time.

2. No tent, campervan, caravan or vessel shall remain on the land for a period greater than 10 days.

3. No tent, campervan, caravan or vessel shall be used for the storage, display, advertisement or sale of goods or for the purposes of any business.

4. No tent, campervan or caravan shall be placed on land within 50 metres of any public road unless the land is enclosed by a wall, bank or hedge, or any combination thereof, having an average height of not less than 1.5 metres.

CLASS 2

Temporary use of land by a scouting organisation for a camp.

Limitations :

The land shall not be used for such purposes for any period or periods exceeding 30 days in any year.

Submission :

This application has been made on behalf of the Eastern Region of the Catholic Guides of Ireland, who have expressed a strong interest in purchasing the property, subject to the successful rezoning of the site for community use.

I understand that the organisation intends to acquire the property for community-based use. Their intention to proceed with the purchase is subject to a successful change of use application for the land to a community zoning classification. The intended use of the property would be as a residential base and campsite facility for girls aged six years and upwards. The main usage would be at weekends, supporting youth development, outdoor activities, and community engagement in a structured and supervised environment.

I wish to clearly state that I am fully supportive of this proposal and am agreeable, in principle, to the sale of the property on this basis. I believe that the proposed use would represent a positive and beneficial development for the Avoca area and the wider community.

Assessment :

The querist seeks confirmation as to whether the change of use of domestic residence to Retreat House for use by girl guides association of Ireland is or is not exempted development. From the submitted information the change of use will encompass the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides, and therefore this is the query to be addressed under the Section 5 request.

The current permitted usage of the site and structures is a residential dwelling, amenity space and a storage yard for building equipment.

The first question to be asked is whether a change of use would occur and whether this change of use would be material.

In this regard the use from residential dwelling, private amenity space and storage yard to girl guide residential base and campsite would it is considered be different in character to the current usage. The proposed use would give rise to differing traffic movements, differing patterns of usage, increase in demand on wastewater treatment system, and water supply, likely to give rise to increased noise impacts, and therefore would give rise to materially different planning considerations, and would this change of use be material.

The change of use is from residential / builders yard to use for girl guides camping. Therefore the change of use would be development having regard to the definition set out in Section 3((1)(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land,

There are no exemptions under the Planning and Development Regulations 2001(as amended) that would cover this change of use.

Recommendation :

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether

The change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides at Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow Y14KP93.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the change of the existing dwelling and associated lands to use as a residential base and campsite facility for girl guides is **Development and is Not exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a. The details submitted with the Section 5 Declaration Application
- b. Planning Permissions Register Reference PRR 05/4369, PRR 10/ 3024, and PRR 21/362
- c. Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- d. Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. the existing permitted use of the structures and site is as a residential dwelling, private amenity space and builders storage yard.
- ii. The proposed use as a residential base and campsite facility would be different in character to the existing use and would have differing traffic movements, differing patterns of usage, increased demand on the wastewater treatment system and water supply, and increased noise impacts,. The change of use would therefore give rise to materially different planning considerations to the current use of the site.
- iii. As the change of use is materially different to the existing use, it would therefore be development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended) which provides that "development" means, except where the context otherwise requires, the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.
- iv. There are no exemptions provided for such a change of use under the Planning and Development Regulations 2001 (as amended).

Seán Cunningham TSP



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
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Suíomh / Website: www.wicklow.ie

Philip Rice
Robins Rest
Ballygahan Lr
Avoca
Co. Wicklow
Y14 KP93

22nd May 2026

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX62/2026

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 21st May 2026.

The application form however is incomplete as per our additional notes section: -

- No site location map has been submitted (Eircode map will suffice)
- No Site Layout Plan has been submitted.

Application is currently classed as incomplete and decision date cannot be noted until documentation is received.

Mise, le meas



STAFF OFFICER
PLANNING / ECONOMIC & RURAL DEVELOPMENT



Planning Department
Wicklow County Council
County Buildings
Station Road
Wicklow Town
Co. Wicklow

Re: Expression of Willingness to Sell Property in Avoca, Co. Wicklow – Subject to Rezoning

Dear Sir/Madam,

I am writing to formally confirm my willingness to sell my property Robins Rest, Ballygahan Lower, Avoca, Co. Wicklow, Y14KP93 to the Eastern Region Catholic Guides of Ireland. I want to confirm that I have completed a Section 25 application in relation to the proposed rezoning of my property.

This application has been made on behalf of the Eastern Region of the Catholic Guides of Ireland, who have expressed a strong interest in purchasing the property, subject to the successful rezoning of the site for community use.

I understand that the organisation intends to acquire the property for community-based use. Their intention to proceed with the purchase is subject to a successful change of use application for the land to a community zoning classification. The intended use of the property would be as a residential base and campsite facility for girls aged six years and upwards. The main usage would be at weekends, supporting youth development, outdoor activities, and community engagement in a structured and supervised environment.

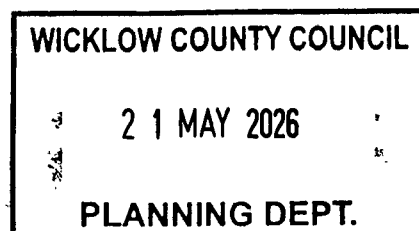
I wish to clearly state that I am fully supportive of this proposal and am agreeable, in principle, to the sale of the property on this basis. I believe that the proposed use would represent a positive and beneficial development for the Avoca area and the wider community.

Should you require any further information or clarification, I would be happy to assist.

Yours faithfully,



Philip Rice



Wicklow County Council
County Buildings
Wicklow
0404-20100

21/05/2026 10:43:29

Receipt No L1/0/363925
***** REPRINT *****

Philip Rice,
Robins Rest,
Ballygahan Lr
Avoca,
Co Wicklow

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non vatable	

Total 80 00 EUR

Tendered
Cheque 80 00

Change 0 00

Issued By Karen Boyle
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

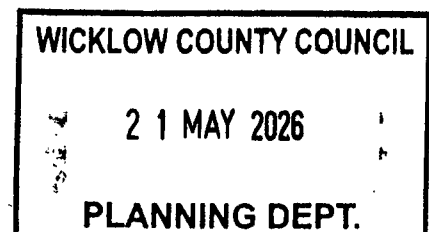
(a) Name of applicant: Philip Rice
Address of applicant: Robin Rest, Ballygahan Lk.,
Avoca, Co. Wicklow, Y14 KP93

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____
Address of Agent : _____

Note Phone number and email to be filled in on separate page.



3. Declaration Details

i. Location of Development subject of Declaration Robin Rest,
Ballygahan Lower, Avoca, Co. Wicklow
Y14 KP93

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
 Yes/ No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration _____
Change of use from domestic residence to Retreat
House, for use by the Girl Guides Association of Ireland

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No

vii. List of Plans, Drawings submitted with this Declaration Application _____

viii. Fee of € 80 Attached ? _____

Signed :  Dated : 22/4/2026

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

NOTES:

Description:
 Historic 6" Latest Edition
 Publisher / Source:
 Ordnance Survey Ireland (OSI)
 Data Source / Reference:
 W0035
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1911
 W0040
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1910

File Format:
 Tagged Image File Format (TIFF)

File Name:
 R_50232992_1.tif

Clip Extent / Area of Interest (AOI):
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 ULX,ULY= 717223.7082,682726.7924
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Projection / Spatial Reference:
 IREN95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y = 719684.7082,680909.7924

Data Extraction Date:
 12-Nov-2021

Product Version:
 1.3

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Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

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Arna thionsú agus arna fhóillsiú ag Suirbhéireacht Dránáís Éireann, Páirc an Fhionnaisce, Baile Átha Cliath 8, Éire.

Sáraíonn atáirgeadh neamhádaraithe cóipcheart Shuirbhéireacht Dránáís Éireann agus Rialtas na hÉireann.

Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhóillseachán seo a chóipeáil, a atáirgeadh nó a tharctur in aon fhóirm nó ar aon bhealach gan cead i scríbhinn roimh ré ó úinéirí an chóipchirt.

Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus fianaise ar chead síl.

Ní thaispeánann léarscáil de chuid Dránáís Shuirbhéireacht na hÉireann teorann phointí dleathúil de mhaoin rianh, nó úinéireacht de ghnéithe fhisiciúla.

Description:
 Digital Cartographic Model (DCM)

Publisher / Source:
 Ordnance Survey Ireland (OSI)

Data Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 v_50232992_1.dwg

Clip Extent / Area of Interest (AOI):
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 ULX,ULY= 719393.2082,681124.7924
 URX,URY= 719976.2082,681124.7924

Projection / Spatial Reference:
 Projection= IREN95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y= 719684.7082,680909.7924

Reference Index:
 Map Series | Map Sheets
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 1:5,000 | 4252
 1:5,000 | 4253
 1:5,000 | 4310

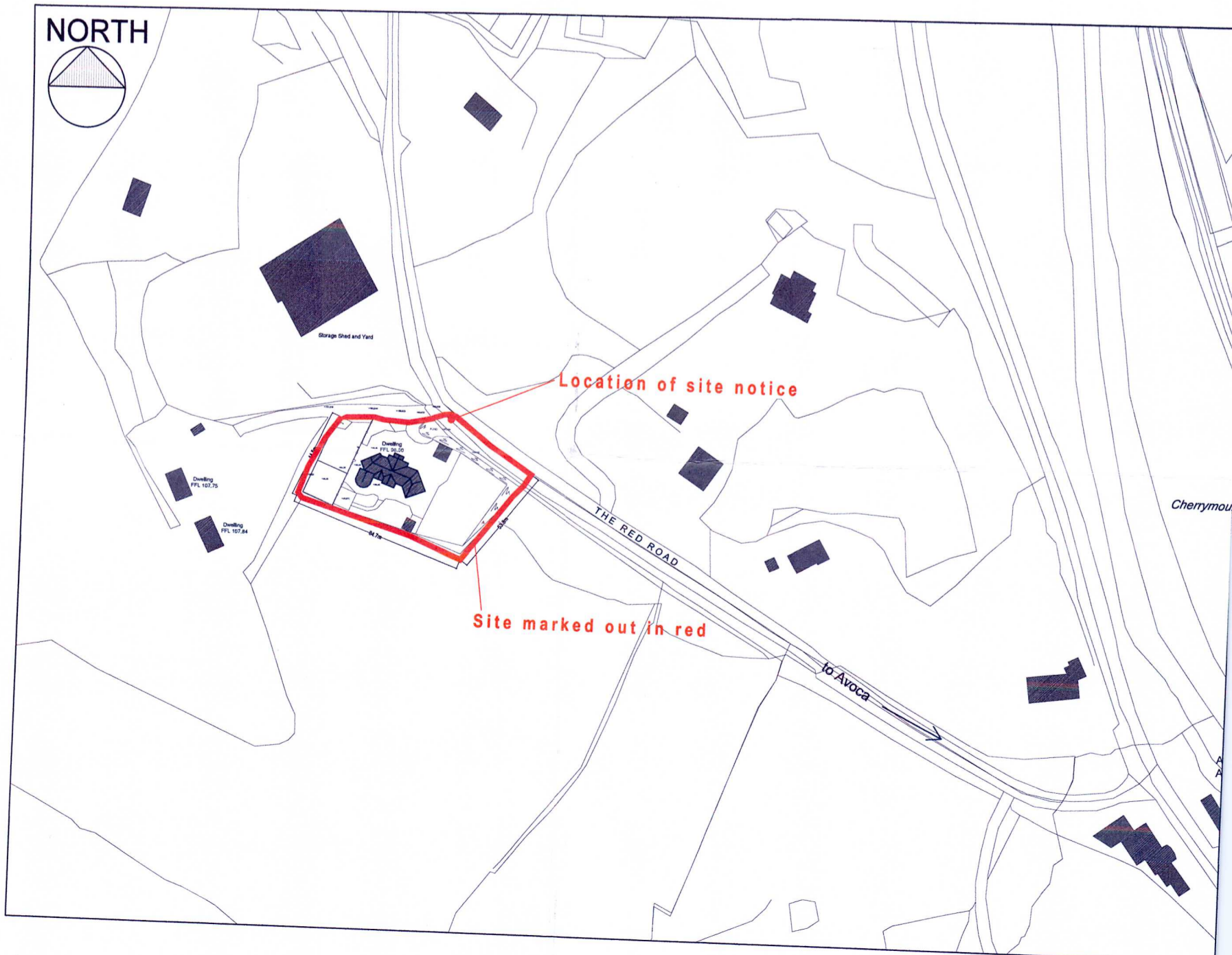
Data Extraction Date:
 Date= 12-Nov-2021

Source Data Release:
 DCLMS Release V1.145.112

Product Version:
 Version= 1.3



6" Site Location Map scale 1:10,560



Site Location Plan scale 1:2500

